

Message Text

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AUSA(EDNY) - DAVID A. DEPETRIS

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UNCLAS STATE 243959

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TAGS: SNAR, SG, CVRS, SF, UK

SUBJECT: UNITED STATES V. ORSINI

1. AT HEARING ON SEPTEMBER 28 BEFORE U.S. DISTRICT JUDGE HENRY BRAMWELL (EASTERN DISTRICT OF N.Y.), DEFENSE MOTION ON BEHALF OF DOMINIQUE ORSINI TO DISMISS HIS INDICTMENT ON "TOSCANINO GROUNDS" WAS DENIED. ORSINI TOOK STAND TO TESTIFY THAT HE WAS TORTURED BY SENEGALESE POLICE AUTHORITIES DURING HIS DETENTION IN DAKAR AND STRUCK WITH KARATE CHOP TO BACK OF NECK BY DEA AGENT BOCCHIOCCIO DURING EFFORT TO GET HIM ON BOARD PANAM FLIGHT TO NEW YORK. DEFENSE COUNSEL ARGUED THAT ON BASIS OF TESTIMONY OF ORSINI AND MARIE APPOLINE SERGE (WHOSE DEPOSITION STATED THAT HE WITNESSED ORSINI BEING BEATEN BY "SENEGALESE OFFICERS" IN PRESENCE OF UNIDENTIFIED "AMERICANS") JUDGE BRAMWELL SHOULD FIND THAT UNDER "TOSCANINO RULE" THIS ALLEGED CONDUCT DEPRIVES HIS COURT FROM TAKING JURISDICTION OF THIS CASE.

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2. IN DENYING DEFENSE MOTION, JUDGE BRAMWELL DISCREDITED

TESTIMONY OF BOTH ORSINI AND SERGE AND FOUND THAT GOVERNMENT WITNESSES DAKAR DCM DAVIS, ASSISTANT LEGAL ADVISER FIELDS, DEA AGENTS BOCCHIOCCIO, TRYAL AND COLLIER COM-

PLETELY REBUTTED DEFENSE EVIDENCE. COURT FURTHER FOUND (1) NO EVIDENCE OF ANY TORTURE OF ORSINI BY ANYONE, INCLUDING SENEGALESE POLICE; (2) NO EVIDENCE OF MISCONDUCT, UNDUE INFLUENCE OR CONNIVANCE BY ANY USG OFFICIAL, AGENT OR EMPLOYEE; AND (3) NO EVIDENCE OF PAYMENT OF MONEY OR OTHER CONSIDERATION TO GOS BY USG OR U.S. OFFICIALS, AGENTS OR EMPLOYEES TO INFLUENCE SENEGALESE ACTION. MOREOVER JUDGE STATED THAT (1) IF SENEGALESE USED FORCE IN TRANSPORTING ORSINI FROM JAIL TO AIRPORT, SUCH FORCE WAS JUSTIFIED AND REASONABLE IN VIEW OF ORSINI'S FORCEFUL RESISTANCE TO "SOVEREIGN ACT" OF GOS IN EXPELLING ORSINI; AND (2) EVEN IF ORSINI TESTIMONY COULD BE BELIEVED, IT WOULD NOT SUPPORT EVIDENCE OF CONDUCT SUFFICIENT TO RAISE ORSINI ALLEGATIONS TO THE LEVEL OF THOSE IN TOSCANINO CASE.

3. IN SURPRISE MOVE FOLLOWING DENIAL OF DEFENSE MOTION, ORSINI INDICATED TO COURT THAT HE INTENDED TO PLEAD GUILTY TO CONSPIRACY ALLEGED IN INDICTMENT. THUS, ORSINI PLED GUILTY TO AN OFFENSE CARRYING MAXIMUM SENTENCE OF TWENTY YEARS. IT IS ANTICIPATED, HOWEVER, HIS PLEA WILL MOST LIKELY RESULT IN LESSER SENTENCE. IT IS EXPECTATION OF ASSISTANT U.S. ATTORNEY DAVID DEPETRIS THAT ORSINI WILL BE SENTENCED TO TEN YEARS. SENTENCING SHOULD TAKE PLACE IN APPROXIMATELY EIGHT WEEKS. ALL INTERESTED POSTS WILL BE KEPT ADVISED OF FURTHER DEVELOPMENTS WITH RESPECT TO THIS CASE.

4. DEPT WISHES TO EXPRESS ITS APPRECIATION FOR COOPERATION OF ADDRESSEE POSTS AND THOSE OFFICERS WHO ASSISTED IN BRINGING THIS IMPORTANT PROSECUTION TO SUCCESSFUL CONCLUSION. U.S. ATTORNEY FOR EASTERN DISTRICT OF NEW YORK HAS ADDED HIS APPRECIATION TO ALL CONCERNED.

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